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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-0721-MAG
	)	
Plaintiff,	)	JOINT PRETRIAL CONFERENCE
	)	STATEMENT
v.	)	
	)	Pretrial Conference Date: May 27, 2008
ANDREW MAKER,	)	Time: 10:30 A.M.
	)	Judge: Hon. Elizabeth D. Laporte
Defendant.	)	

On May 13, 2008, the parties met and conferred regarding trial in the upcoming matter. The United States hereby sets forth the parties' joint position on the following matters, as required by Local Rule 17.1.1:

(1) **Disclosure of Statements and Reports;** the United States has submitted all prior statements and reports of the testifying witnesses that it is currently aware of. The United States is checking to see if any witness or law enforcement officer wrote any reports or issued any statements in connection with this case. As to the defense witnesses, at this time defendant is not aware of any prior statements made by any witness he plans to call in his case-in-chief. Neither side has noticed any expert witnesses.

(2) **Grand Jury Testimony:** As this case is a misdemeanor, grand jury testimony is not an

1 issue.

2 (3) **Disclosure of Exculpatory Evidence:** Both parties attests that they have, and will  
3 continue to comply with *Brady*, *Giglio* and *Agurs*.

4 (4) **Stipulations:** Thus far the parties have not entered into any stipulations.

5 (5) **Interpreters:** Interpreters are not an issue.

6 (6) **Dismissal of Counts:** There is only one count charged in the Information and the  
7 government intends to proceed on the sole count of the Information. Defendant has not  
8 noticed any Rule 12 defenses.

9 (7) **Joinder:** Joinder is not an issue.

10 (8) **Identification of Informers, Etc:** Not at issue.

11 (9) **Pretrial Exchange of Witness Lists:** The government has noticed three witnesses. The  
12 defense has noticed one witness.

13 (10) **Pretrial Exchange of Documents and Exhibits:** Both parties have agreed to  
14 provide advance copies of any photographs or documents it intends to introduce  
15 as exhibits at trial to opposing counsel. Both parties have also agreed to allow  
16 opposing counsel to view any physical evidence prior to trial.

17 (11) **Resolution of Objections to Exhibits:** At this time, the parties are aware of no  
18 exhibits and therefore defendant has no current objections. Parties reserve the  
19 right to raise objections to any exhibits noticed at the pretrial conference.

20 (12) **Controverted Points of Law Likely to Arise at Trial:** At this time, the parties  
21 are not aware of controverted points of law between them.

22 (13) **Scheduling of the Trial:** Trial is scheduled to begin June 18, 2008. The parties  
23 do not anticipate the trial taking more than one-half of one day.

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(14) **Voir Dire and Jury Instructions:** As this will be a bench trial, there is no proposed voir dire or jury instructions.

(15) **Additional Matters:** None known to either party at this time.

Respectfully submitted,

DATED: 5/13/08

JOSEPH P. RUSSONIELLO  
United States Attorney

/s/  
WENDY THOMAS  
Special Assistant United States Attorney